S.B. CRIMINAL MISC. PETITION NO.614/2006
(Devi Singh & Ors. Vs. State)

Date of order : 12.5.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Sumer Dan, for the petitioners.
Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioners and gone through the order impugned.

It is contended by the learned counsel for the petitioners that vide order dated 16.7.2005 passed by Additional Sessions Judge (Fast Track), Rajsamand in Criminal Appeal No.6/05 (33/02), the petitioners were acquitted from the charges for offence under Sections 323, 325 and 4448 I.P.C. on the basis of the compromise arrived at in between the parties but the offence under Section 147 I.P.C., being non-compoundable, they were directed to furnish bond for a period of one year to the effect that they will keep peace and will not repeat the crime. The said bond was directed to be executed within a period of one month from the date of passing of the order dated 16.7.2005. However, the petitioners failed to furnish the bond within the stipulated time, therefore, they moved an application before the Additional District & Sessions Judge, Fast Track, Rajsamdn for extension of time for furnishing the said bond. It is contended

by the learned counsel for the petitioners that the appellate court rejected the application on the ground that there is no provision for extension of time. Further, it is contended that in this case, earlier vide judgment dated 21.9.2001, petitioners were convicted for offence under Sections 147, 323, 325 read with Section 325/149 and 448 I.P.C. and they were sentenced to undergo one year RI along with fine of Rs.1,000/- for offence under Sections 325 read with Section 325/149 I.P.C. and; one month simple imprisonment along with fine of Rs.100/- for offence under Section 323 I.P.C. and; one month simple imprisonment along with fine of Rs.100/- for offence 448 I.P.C. and further to undergo three months RI along with fine of Rs.300/- for offence under Section 147 I.P.C. but due to compromise arrived at in between the parties, they were acquitted from all the charges except the charge under Section 147 I.P.C., which is non-compoundable. Learned counsel for the petitioners prayed that looking to the facts and circumstances of the case, the time for furnishing the bond may be extended.

It is true that there is lack on the part of the petitioners in not filing the bond but looking to the fact that compromise has arrived at in between the parties and offence under Section 147 I.P.C. was not compoundable, therefore, the appellate court passed an order for furnishing the bond. In the interest of

justice, while exercising the powers under Section 482 Cr.P.C. though there is lack on the part of the petitioners, it is ordered that the petitioners may furnish the bond as ordered by Additional Sessions Judge, Fast Track, Rajsamand vide order dated 16.7.2005 within a period of one month and if such bond is furnished by the petitioners within the stipulated time, the same shall be accepted by the trial court.

With the aforesaid observations and directions, the petition stands disposed of.

(GOPAL KRISHAN VYAS), J.

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